

NOURSE & BOWLES, LLP  
Attorneys for Plaintiff  
BBC CHARTERING & LOGISTIC GmbH & CO. KG  
One Exchange Plaza  
At 55 Broadway  
New York, NY 10006-3030  
(212) 952-6200

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
BBC CHARTERING & LOGISTIC GmbH & CO.	:
KG ,	:
	:
Plaintiff,	:
	:
- against -	:
	:
VINGO RESOURCES PTY LTD and	:
VINGO RESOURCES LTD,	:
	:
Defendants.	:
-----X	

08 Civ. 0213(PKC)

**AMENDED AFFIDAVIT IN  
SUPPORT OF  
APPLICATION FOR  
MARITIME ATTACHMENT**

STATE OF NEW YORK    )  
                              ) ss:  
COUNTY OF NEW YORK )

ARMAND M. PARÉ, JR. being duly sworn, deposes and says:

1. I am a member of the firm of Nourse & Bowles, LLP attorneys for Plaintiff, BBC Chartering & Logistic GmbH & Co. KG and make this affidavit in support of Plaintiff's application for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

2. Based upon my inquiries and to the best of my information and belief, defendants, Vingo Resources Pty Ltd and Vingo Resources Ltd (collectively "Defendants") are a single foreign company which operate under two names and neither can be "found" within this District

for the purpose of attachment under Rule B. In support of this position, I and my staff have conducted the following investigation:

(a) I have caused my staff to contact the office of the New York Department of State, Division of Corporations on February 20, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted searches for the Defendants and the search results indicated that they are not New York corporations, nor are they licensed, authorized or registered to do business in the State of New York as either domestic or international corporations;

(b) My staff has consulted with Directory Assistance for New York on February 20, 2008 for area codes (212), (718), (917), (646), (347), (914), (845), and informed me that no listings for Defendants were located;

(c) My staff has reviewed the Journal of Commerce (Business Directory) Transportation Tickler, 2007 Edition (Vol. 1 New York Metropolitan Area) and informed me that no listings were found for Defendants;

(d) My staff has accessed on February 20, 2008, through Microsoft Internet Explorer and Yahoo! Search engines the yellow pages telephone directory database and informed me no listings were found in that database showing any offices or agents of Defendants in the State of New York;

(e) My staff accessed on February 20, 2008, through Microsoft Internet Explorer and Google search engines and informed me no listings were found for any offices or agents of Defendants in the State of New York;

(f) I and my staff are unaware of any general or managing agent(s) within this District for Defendants.

3. Based upon the foregoing, I submit that Defendants cannot be "found" within this District for the purpose of an attachment pursuant to Rule B and therefore Plaintiff seeks an amended order of attachment against the tangible and intangible property of Defendants as may be found within this District up to and including the amount of the claim specified in the Amended Verified Complaint.

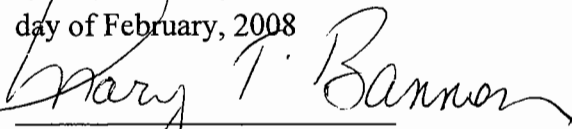
4. No answer or motion has been made by original defendant, Vingo Resources Pty Ltd.

5. This application for an Order of Attachment and Garnishment supplements a prior application made with the original complaint by adding Vingo Resources Ltd as a defendant. Plaintiff seeks to add Vingo Resources Ltd as a defendant since Plaintiff has discovered that wire transfers made for and on behalf of Vingo Resources Pty Ltd have been and continue to be made in the name of Vingo Resources Ltd. This includes payments to Plaintiff made by Vingo Resources Ltd for and on behalf of Vingo Resources Pty Ltd. Except for this and the original application for an order of attachment, no other request for this relief has been made.



ARMAND M. PARÉ, JR.

Sworn and subscribed  
to before me this 20<sup>th</sup>  
day of February, 2008

  
\_\_\_\_\_  
Notary Public

MARY T. BANNON  
Notary Public, State of New York  
No. 01BA4785995  
Qualified in New York County  
Commission Expires February 28, 2010